

FIRST REGULAR SESSION

SENATE BILL NO. 295

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 3, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1094S.02I

AN ACT

To repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections relating to licensed professional counselors.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 337.500 and 337.510, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 337.500 and 337.510, to read as follows:

337.500. As used in sections 337.500 to 337.540, unless the context clearly requires otherwise, the following words and phrases mean:

- (1) "Committee or board", the committee for professional counselors;
- (2) "Department", the Missouri department of insurance, financial institutions and professional registration;
- (3) "Director", the director of the division of professional registration;
- (4) "Division", the division of professional registration;
- (5) "Licensed professional counselor", any person who offers to render professional counseling services to individuals, groups, organizations, institutions, corporations, government agencies or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed in counseling, and who holds a current, valid license to practice counseling;
- (6) "Practice of professional counseling", rendering, offering to render, or supervising those who render to individuals, couples, groups, organizations, institutions, corporations, schools, government agencies, or the general public any counseling service involving the application of counseling procedures, and the principles and methods thereof, to assist in achieving more effective intrapersonal or interpersonal, marital, decisional, social, educational, vocational,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 developmental, or rehabilitative adjustments;

20 (7) "Professional counseling", includes, but is not limited to:

21 (a) The use of verbal or nonverbal counseling or both techniques, methods,
22 or procedures based on principles for assessing, understanding, or influencing
23 behavior (such as principles of learning, conditioning, perception, motivation,
24 thinking, emotions, or social systems);

25 (b) Appraisal or assessment, which means selecting, administering,
26 scoring, or interpreting instruments designed to assess a person's or group's
27 aptitudes, intelligence, attitudes, abilities, achievement, interests, and personal
28 characteristics;

29 (c) **Diagnosis, treatment, prevention, and amelioration of mental,**
30 **emotional, and behavioral disorders;**

31 (d) The use of referral or placement techniques or both which serve to
32 further the goals of counseling;

33 [(d)] (e) Therapeutic vocational or personal or both rehabilitation in
34 relation to coping with or adapting to physical disability, emotional disability, or
35 intellectual disability or any combination of the three;

36 [(e)] (f) Designing, conducting, and interpreting research;

37 [(f)] (g) The use of group methods or techniques to promote the goals of
38 counseling;

39 [(g)] (h) The use of informational and community resources for career,
40 personal, or social development;

41 [(h)] (i) Consultation on any item in paragraphs (a) [through (g) above]
42 **to (h) of this subdivision;** and

43 [(i)] (j) No provision of sections 337.500 to 337.540, or of chapter 354 or
44 375, RSMo, shall be construed to mandate benefits or third-party reimbursement
45 for services of professional counselors in the policies or contracts of any insurance
46 company, health services corporation or other third-party payer;

47 (8) "Provisional licensed professional counselor", any person who is a
48 graduate of an acceptable educational institution, as defined by division rules,
49 with at least a master's degree with a major in counseling, or its equivalent, and
50 meets all requirements of a licensed professional counselor, other than the
51 supervised counseling experience prescribed by subdivision [(1)] (2) of section
52 337.510, and who is supervised by a person who is qualified for the practice of
53 professional counseling.

337.510. 1. Each applicant for licensure as a professional counselor shall

2 furnish evidence to the committee that the applicant is at least eighteen years of
3 age, is of good moral character, is a United States citizen or is legally present in
4 the United States; and

5 (1) The applicant has completed a course of study as defined by the board
6 rule leading to a master's, specialist's, or doctoral degree with a major in
7 counseling; and

8 (2) The applicant has completed acceptable supervised counseling as
9 defined by board rule. If the applicant has a master's degree with a major in
10 counseling as defined by board rule, the applicant shall complete at least two
11 years of acceptable supervised counseling experience subsequent to the receipt of
12 the master's degree. The composition and number of hours comprising the
13 acceptable supervised counseling experience shall be defined by board rule. An
14 applicant may substitute thirty semester hours of post master's graduate study
15 for one of the two required years of acceptable supervised counseling experience
16 if such hours are clearly related to counseling;

17 (3) After August 28, 2007, each applicant shall have completed a
18 minimum of three hours of graduate level coursework in diagnostic systems either
19 in the curriculum leading to a degree or as post master's graduate level course
20 work;

21 (4) Upon examination, the applicant is possessed of requisite knowledge
22 of the profession, including techniques and applications, research and its
23 interpretation, and professional affairs and ethics.

24 **2. Any person rendering a diagnosis subject to sections 337.500**
25 **to 337.540 shall have acceptable education or training in the diagnosis**
26 **of persons with mental and emotional disorders. The composition of**
27 **acceptable education or training shall be defined by rules promulgated**
28 **by the committee from among the following areas:**

29 (1) **Successful completion of a national clinical mental health**
30 **examination or similar statistically valid examination;**

31 (2) **Continuing education;**

32 (3) **Evidence of equivalent training and experience attested to by**
33 **a licensee, supervisor, or person trained in assessment and diagnosis;**

34 (4) **Graduate course work; and**

35 (5) **Other education and training the committee deems sufficient;**

36 (a) **A person under supervision for licensure or the person**
37 **providing such supervision shall provide documentation to the**

38 **committee attesting to supervision of diagnosis. The committee shall**
39 **have the authority to review the documentation to determine**
40 **compliance with this section;**

41 **(b) A licensed professional counselor rendering a diagnosis shall,**
42 **upon request of the committee, provide proof of acceptable education**
43 **or training. Rendering a diagnosis after the committee has notified the**
44 **licensee that he or she lacks sufficient education or training to render**
45 **a diagnosis shall raise a rebuttable presumption of lack of competence**
46 **in a disciplinary proceeding.**

47 **3.** Any person who previously held a valid unrevoked, unsuspended
48 license as a professional counselor in this state and who held a valid license as
49 a professional counselor in another state at the time of application to the
50 committee shall be granted a license to engage in professional counseling in this
51 state upon application to the committee accompanied by the appropriate fee as
52 established by the committee pursuant to section 337.507.

53 **[3.] 4.** Any person holding a current license, certificate of registration,
54 or permit from another state or territory of the United States to practice as a
55 professional counselor who is at least eighteen years of age, is of good moral
56 character, and is a United States citizen or is legally present in the United States
57 may be granted a license without examination to engage in the practice of
58 professional counseling in this state upon the application to the board, payment
59 of the required fee as established by the board, and satisfying one of the following
60 requirements:

61 (1) Approval by the American Association of State Counseling Boards
62 (AASCB) or its successor organization according to the eligibility criteria
63 established by AASCB. The successor organization shall be defined by board
64 rule; or

65 (2) In good standing and currently certified by the National Board for
66 Certified Counselors or its successor organization and has completed acceptable
67 supervised counseling experience as defined by board rule. The successor
68 organization shall be defined by board rule; or

69 (3) Determination by the board that the requirements of the other state
70 or territory are substantially the same as Missouri and certified by the
71 applicant's current licensing entity that the applicant has a current license. The
72 applicant shall also consent to examination of any disciplinary history.

73 **[4.] 5.** The committee shall issue a license to each person who files an

74 application and fee and who furnishes evidence satisfactory to the committee that
75 the applicant has complied with the provisions of this act and has taken and
76 passed a written, open-book examination on Missouri laws and regulations
77 governing the practice of professional counseling as defined in section
78 337.500. The division shall issue a provisional professional counselor license to
79 any applicant who meets all requirements of this section, but who has not
80 completed the required acceptable supervised counseling experience and such
81 applicant may reapply for licensure as a professional counselor upon completion
82 of such acceptable supervised counseling experience.

83 [5.] 6. All persons licensed to practice professional counseling in this
84 state shall pay on or before the license renewal date a renewal license fee and
85 shall furnish to the committee satisfactory evidence of the completion of the
86 requisite number of hours of continuing education as required by rule, which
87 shall be no more than forty hours biennially. The continuing education
88 requirements may be waived by the committee upon presentation to the
89 committee of satisfactory evidence of the illness of the licensee or for other good
90 cause.

Bill ✓

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